

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** Chairman Bill Wilson, on February 20, 2009 at 7:25 A.M., in Room 172 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Bill Wilson, Chairman (D)  
Rep. Bill Beck, Vice Chairman (R)  
Rep. Michele Reinhart, Vice Chairwoman (D)  
Rep. Elsie Arntzen (R)  
Rep. Shannon Augare (D)  
Rep. Paul Beck (D)  
Rep. Tom Berry (R)  
Rep. Carlie Boland (D)  
Rep. John Fleming (D)  
Rep. Timothy Furey (D)  
Rep. Chuck Hunter (D)  
Rep. Harry Klock (R)  
Rep. Mike Milburn (R)  
Rep. Pat Noonan (D)  
Rep. Scott Reichner (R)  
Rep. Cary Smith (R)  
Rep. Gordon Vance (R)  
Rep. Jeffery Welborn (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Santella Baglivo, Committee Secretary  
Bart Campbell, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 435, 2/11/2009; HB 450,  
2/11/2009; HB 618, 2/11/2009;  
HB 621, 2/11/2009; HB 633,  
2/11/2009; HB 572, 2/11/2009

Executive Action: HB 451, HB 390, HB 507, HB 589,  
HB 618, HB 603, HB 608, HB 633

**EXECUTIVE ACTION ON HB 451**

00:00:42 **Motion:** Rep. Reinhart moved that **HB 451 DO PASS.**

00:01:24 **Motion:** Rep. Reinhart moved that **HB 451 BE AMENDED.**  
**EXHIBIT** (buh40a01)

**Discussion:**

00:01:40 Rep. Ebinger, HD 62  
00:03:03 Rep. Reichner  
00:04:01 Rep. Ebinger  
00:04:22 Rep. Reichner  
00:04:40 Rep. Ebinger

00:04:52 **Vote:** Motion carried unanimously by voice vote.

00:05:08 **Motion:** Rep. Reinhart moved that **HB 451 DO PASS AS  
AMENDED.**

00:05:20 **Vote:** Motion carried 14-4 by voice vote, with Rep.  
Milburn, Rep. Smith, Rep. Vance and Rep. Welborn voting  
no.

**EXECUTIVE ACTION ON HB 390**

00:05:57 **Motion:** Rep. Reinhart moved that **HB 390 DO PASS.**

00:06:11 **Motion:** Rep. Reinhart moved that **HB 390 BE AMENDED.**  
**EXHIBIT** (buh40a02)

**Discussion:**

00:10:46 Rep. Smith  
00:11:11 Rep. Reinhart  
00:11:44 Michael-Ann Caywood-Baerge  
00:12:38 Rep. Smith  
00:13:03 Rep. Reinhart  
00:14:05 Rep. Arntzen

00:14:55 Rep. Reinhart

00:16:02 Rep. Reichner

00:16:36 **Vote:** Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voted aye.

**Discussion:**

00:17:23 Rep. Reinhart

00:19:10 Rep. Fleming

00:19:31 Rep. Smith

00:20:25 **Vote:** Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voted aye.

**EXECUTIVE ACTION ON HB 507**

00:21:33 **Motion:** Rep. Reinhart moved that **HB 507 DO PASS.**

00:22:57 **Motion:** Rep. Reinhart moved that **HB 507 BE AMENDED.**  
**EXHIBIT** (buh40a03)

**Discussion:**

00:24:01 Rep. B. Beck

00:25:11 Rep. Reinhart

00:25:35 Rep. Berry

00:26:30 Rep. Augare called the question.

00:26:42 Rep. Hunter

00:27:30 **Vote:** Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voted aye.

**Discussion:**

00:28:15 Rep. Milburn

00:29:44 Rep. Reinhart

00:30:13 **Vote:** Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voted aye.

**EXECUTIVE ACTION ON HB 589**

00:31:12 **Motion:** Rep. Reinhart moved that **HB 589 DO PASS.**

00:32:31 **Vote:** Motion failed 5-13 by roll call vote with Rep. Boland, Rep. Furey, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voting aye. Rep. Welborn voted by proxy.

00:33:45 **Motion/Vote:** Rep. Klock moved that **HB 589 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Welborn voted by proxy.

00:34:02 Chairman Wilson calls a recess.

00:47:08 Chairman Wilson resumes hearing.

**HEARING ON HB 435**

**Opening Statement by Sponsor:**

00:47:49 Rep. Franke Wilmer (D), HD 64, opened the hearing on HB 435, Close gender wage gap.

[\*\*EXHIBIT \(buh40a04\)\*\*](#)

**Proponents' Testimony:**

00:52:45 Rep. Betsy Hands, HD 99, Montana Democratic Women's Caucus

00:54:28 Sen. Carol Juneau, SD 8, Montana Democratic Women's Caucus

00:55:18 Elizabeth Besb, Attorney, Great Falls, Montana

00:56:12 Pat Simmons, President, Montana Business and Professional Women's Association

00:57:21 Stacey Scott, Self, Bozeman, Montana

00:58:06 Jan Strout, Self, Bozeman, Montana

00:59:02 Susan Lovers, Self, Billings

00:59:42 Coral Ann Bush, Self, Bozeman

01:00:50 Jodi Meldar, Self, Bozeman Montana

01:01:04 Peggy Davis, Bureau Chief, Human Resources Standards and Services Division, Department of Administration

01:01:31 Debra Rosa, Self, Bozeman, Montana

01:02:10 Robert Johnson, Montana AFL-CIO

01:02:33 Sally Babcock, Self, Bozeman, Montana

01:03:14 Carol Scott, Self, Bozeman, Montana

**Opponents' Testimony:** None

**Informational Testimony:**

01:04:09 Jerry Keck, Administrator, Employment Relations  
Division, Department of Labor and Industry

**Questions from Committee Members and Responses:**

01:04:35 Rep. Reinhart  
01:04:45 Rep. Wilmer  
01:06:35 Rep. Reinhart  
01:06:50 Rep. Wilmer

**EXHIBIT (buh40a05)**

01:07:55 Rep. Reinhart  
01:07:19 Ms. Davis  
01:07:47 Rep. Smith  
01:08:13 Mr. Keck  
01:09:32 Rep. Smith  
01:09:42 Mr. Keck  
01:09:59 Rep. Reichner  
01:10:26 Rep. Wilmer  
01:11:03 Rep. Reichner  
01:11:09 Rep. Reinhart  
01:11:42 Rep. Smith  
01:12:05 Mr. Keck  
01:12:41 Rep. B. Beck  
01:13:04 Mr. Keck  
01:14:04 Rep. B. Beck  
01:14:19 Mr. Keck  
01:14:30 Rep. B. Beck  
01:14:41 Mr. Keck  
01:14:49 Rep. B. Beck  
01:15:05 Mr. Keck  
01:15:13 Rep. Hunter  
01:15:47 Mr. Keck  
01:16:12 Rep. Hunter  
01:16:44 Ms. Davis  
01:17:08 Rep. Hunter  
01:17:18 Rep. Wilmer  
01:17:25 Rep. Arntzen  
01:18:05 Mr. Keck  
01:18:35 Rep. Arntzen  
01:18:56 Rep. Wilmer  
01:19:24 Rep. Arntzen  
01:19:54 Rep. Wilmer  
01:21:39 Rep. Arntzen  
01:21:50 Rep. Wilmer  
01:22:03 Ms. Besb

01:23:07 Rep. Arntzen  
01:23:13 Ms. Besb  
01:23:25 Rep. Smith  
01:23:44 Rep. Wilmer  
01:24:20 Rep. Smith  
01:24:28 Rep. Wilmer  
01:24:46 Rep. Smith  
01:25:03 Rep. Wilmer  
01:25:29 Rep. Reinhart  
01:26:02 Rep. Wilmer  
01:27:33 Rep. Reinhart  
01:27:41 Rep. Wilmer

**Closing by Sponsor:**

01:28:50 Rep. Wilmer

**HEARING ON HB 450**

**Opening Statement by Sponsor:**

01:32:35 Rep. Julie French (D), HD 36, opened the hearing on  
HB 450, Prohibit retaliation over job-related  
grievances.

**[EXHIBIT \(buh40a06\)](#)**

**Proponents' Testimony:**

01:39:38 Elizabeth Besb, Attorney, Great Falls, Montana  
01:40:58 J.C. Weingartner, Director of Member Rights, MEA-MFT  
01:42:50 Sen. Carol Juneau, SD 8, Montana Democratic Women's  
Caucus  
01:43:09 Lynn Allison, Montana Women's Lobby  
01:44:44 Rita Schmidtt, Self, Great Falls, Montana  
01:45:43 Caroline Carouch, Self, Billings, Montana  
01:46:39 Linda Gryczan, American Association of University Women  
01:47:42 Peggy Davis, Bureau Chief, Human Resources Standards  
and Services Division, Department of Administration

**Opponents' Testimony:**

01:48:15 Ronda Wigger, Helena and Great Falls Chamber of  
Commerce  
01:49:45 Webb Brown, Montana Chamber of Commerce  
01:50:06 Bruce Spencer, Attorney, Helena, Montana

**Informational Testimony:**

01:52:22 Jerry Keck, Administrator, Employment Relations  
Division, Department of Labor and Industry

01:52:54 Robert Johnson, Montana AFL-CIO

**Questions from Committee Members and Responses:**

01:53:17 Rep. Boland  
01:53:44 Mr. Johnson  
01:54:01 Rep. Boland  
01:54:56 Rep. Noonan  
01:55:23 Mr. Brown  
01:55:56 Rep. Reinhart  
01:56:15 Rep. Wilmer  
01:56:33 Mr. Keck  
01:56:46 Rep. Reinhart  
01:56:55 Mr. Keck  
01:57:03 Rep. Reinhart  
01:57:07 Mr. Keck  
01:57:49 Rep. Reinhart  
01:58:08 Rep. French

**Closing by Sponsor:**

01:59:41 Rep. French  
  
02:00:25 Chairman Wilson calls a recess.  
02:12:43 Chairman Wilson resumes hearing.

**HEARING ON HB 572**

**Opening Statement by Sponsor:**

02:14:34 Rep. JP Pomnichowski (D), HD 63, opened the hearing on  
HB 572, Small Business Innovative Research.

**Proponents' Testimony:**

02:29:11 Anne Marie Quinn, Bio-Science Alliance, Bozeman,  
Montana

[\*\*EXHIBIT \(buh40a07\)\*\*](#)

02:39:07 Webb Brown, Montana Chamber of Commerce

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:41:00 Rep. Arntzen  
02:41:18 Rep. Pomnichowski

02:42:46 Rep. Furey  
02:43:31 Ms. Quinn  
02:45:21 Rep. Furey  
02:45:40 Rep. Quinn  
02:45:44 Rep. B. Beck  
02:46:17 Rep. Pomnichowski  
02:47:54 Rep. B. Beck  
02:48:05 Rep. Pomnichowski  
02:49:00 Rep. Reinhart

**Closing by Sponsor:**

02:49:11 Rep. Pomnichowski

**HEARING ON HB 618**

**Opening Statement by Sponsor:**

02:51:25 Rep. Shannon Augare (D), HD 16, opened the hearing on  
HB 618, Require % of health insurance premiums spent on  
health care.

**Proponents' Testimony:**

02:54:00 Kim Abbott, Montana Human Rights Network

**Opponents' Testimony:** None

**Informational Testimony:**

02:54:32 John Mudd, Executive Counsel, State Auditor's Office

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

02:55:21 Rep. Augare

**EXECUTIVE ACTION ON HB 618**

02:55:36 **Motion/Vote:** Rep. Reichner moved that **HB 618 BE  
TABLED**. Motion carried unanimously by voice vote. Rep.  
Beck, Rep. Milburn, Rep. Welborn, Rep. Wilson voted by  
proxy.

02:55:58 Vice Chairwoman Reinhart calls a recess.

03:03:17 Chairman Wilson resumes hearing.



**HEARING ON HB 633**

**Opening Statement by Sponsor:**

03:03:39 Rep. Edward Butcher (R), HD 29, opened the hearing on HB 633, Require testing in English for professional and driver's licenses.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

03:07:45 Jeannie Worsch, Bureau Chief, Business and Professional Licensing Division, Department of Labor

**Questions from Committee Members and Responses:**

03:08:10 Rep. Smith  
03:08:18 Rep. Butcher  
03:08:45 Rep. Smith  
03:09:06 Rep. Butcher  
03:10:14 Rep. Fleming  
03:10:51 Ms. Worsch

**Closing by Sponsor:**

03:11:00 Rep. Butcher

**HEARING ON HB 621**

**Opening Statement by Sponsor:**

03:11:49 Rep. Bill Wilson (D), HD 22, opened the hearing on HB 621, Authorize local government beer and wine license for certain facilities.

**Proponents' Testimony:**

03:13:14 Joe Briggs, Chairman, Cascade County Commission  
[EXHIBIT \(buh40a08\)](#)  
03:17:21 John Hayes, Cascade County Tavern Association, Great Falls, Montana

**Opponents' Testimony:** None

**Informational Testimony:**

03:18:42 Shauna Helfert, Administrator, Liquor Control Division,  
Department of Revenue

**Questions from Committee Members and Responses:**

03:19:43 Rep. Vance  
03:20:03 Mr. Briggs  
03:20:18 Rep. Arntzen  
03:20:45 Ms. Helfert  
03:21:14 Rep. Arntzen  
03:21:19 Ms. Helfert

**Closing by Sponsor:**

03:21:49 Rep. Wilson

**EXECUTIVE ACTION ON HB 633**

03:24:07 **Motion:** Rep. Reinhart moved that **HB 633 DO PASS.**

**Discussion:**

03:24:16 Rep. Smith  
03:24:54 Rep. Berry  
03:25:26 Rep. Arntzen

03:25:35 **Vote:** Motion failed 9-9 by roll call vote with Rep. Arntzen, Rep. Beck, Rep. Berry, Rep. Klock, Rep. Milburn, Rep. Reichner, Rep. Smith, Rep. Vance, and Rep. Welborn voting aye. Rep. Augare and Rep. Milburn voted by proxy.

**EXECUTIVE ACTION ON HB 603**

03:27:16 **Motion:** Rep. Reinhart moved that **HB 603 DO PASS.**

**Discussion:**

03:27:31 Rep. B. Beck  
03:28:12 Rep. P. Beck  
03:28:38 Chairman Wilson

03:29:09 **Vote:** Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voting aye. Rep. Augare and Rep. Milburn voted by proxy.

**EXECUTIVE ACTION ON HB 608**

03:30:34 **Motion:** Rep. Reinhart moved that **HB 608 DO PASS.**

**Discussion:**

03:30:44 Rep. Klock  
03:31:36 Rep. Reinhart  
03:32:08 Rep. Klock  
03:32:19 Chairman Wilson  
03:32:32 Rep. Noonan  
03:32:50 Rep. B. Beck  
03:33:23 Chairman Wilson  
03:33:31 Rep. Berry

03:34:12 **Vote:** Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voting aye. Rep. Augare and Rep. Milburn voted by proxy.

**Additional Discussion:**

03:35:23 Rep. Noonan  
03:35:35 Rep. Reichner  
03:36:17 Chairman Wilson  
03:37:11 Rep. Vance  
03:37:18 Rep. Klock  
03:37:27 Chairman Wilson

**ADJOURNMENT**

03:37:47 Adjournment: 11:02 A.M.

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Santella Baglivo, Secretary

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Additional Documents:

**EXHIBIT ([buh40aad.pdf](#))**